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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,097	03/29/2001	John R. Wall	VSTA116165	8395

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CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC  
1420 FIFTH AVENUE  
SUITE 2800  
SEATTLE, WA 98101-2347

EXAMINER
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SALL, EL HADJI MALICK

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/823,097	<b>Applicant(s)</b> WALL ET AL.	
	<b>Examiner</b> El Hadji M. Sall	<b>Art Unit</b> 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 January 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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**1. DETAILED ACTION**

This action is responsive to the application filed on March 29, 2001. Claims 1-25 are pending. Claims 1-25 represents web site hosting.

**2. *Claim Rejections - 35 USC § 102***

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**3.** Claims 1-3, 5-6, 9 and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Cruickshank et al. (referred to hereafter as Crush) U.S. 6,522,738.

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Crush teaches the invention as claimed including web site content control via the telephone (see abstract).

As to claim 1, Crush teaches a computer based method for creating and using computer readable instructions for a set of web documents on a web site, the method comprising:

receiving a request by a user to create a set of web documents on a host computer system (column 6, line 65 to column 7, line 33, Crush discloses server system 100 receives request from a user calling server system 100 from telephone station apparatus, and server system 100 generates a list of web pages);

identifying said user based upon a unique identifier associated with the user (column 7, lines 3-7, Crush discloses system 100 receives identification data from telephone station 108);

determining corresponding information for the unique user identified from a database of information using said unique identifier (column 7, lines 4-7, Crush discloses determining, by accessing user access data 600 of memory 310, the identity, rights and privileges of the user associated with the identification data received);

creating computer readable instructions for a set of web documents using said corresponding information to be executed on an interconnected client computer (column 6, lines 13-15, Crush discloses web server software 506 operates to transmit web pages, receive and fill user requests pursuant to these functions); and

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providing web site hosting functions from the host computer system to an interconnected client computer to the unique user for using said set of web documents (column 6, lines 24-45, Crush discloses user access data stores data corresponding to users authorized to access a web site hosted by computer server 300, and web pages and templates 604 comprise the web site hosted by web server software 506).

As to claim 2, Crush teaches the method of claim 1, wherein the request to create a set of web documents is received via an internetworked set of computers (figure 1; column 2, lines 12-19, Crush discloses establishing a data exchange session between networked computer and a telephone station apparatus).

As to claim 3, Crush teaches the method of claim 1, wherein said unique identifier is based on phone number (column 7, lines 3-7, Crush discloses system 100 receives identification data from telephone station 108);

As to claim 5, Crush teaches the method of claim 1, wherein the computer readable instructions for each said set of web documents is created in HTML (column 11, line 54 to column 12, line 2, Crush discloses the transmitted web page is in the form of HTML).

As to claim 6, Crush teaches the method of claim 1, the computer readable instructions provide the unique user a means of choosing at least one feature for the set

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of web documents (column 6, lines 24-28, Crush discloses data 410 is comprised of user access data 600, object types, electronic files such as web pages and web templates (i.e. object types is "one feature of the set of web documents/pages"))).

As to claim 9, Crush teaches the method of claim 6, wherein the at least one feature is a means of posting a message to a message board (column 9, lines 7-10, Crush discloses an object type that represents a hyperlink that can be displayed on a web page).

As to claim 11, Crush teaches the method of Claim 6, wherein the at least one feature is a means of browsing content of web documents on the web site (column 6, lines 24-28, Crush discloses data 410 is comprised of user access data 600, object types, electronic files such as web pages and web templates).

As to claim 12, Crush teaches the method of Claim 6, wherein the at least one feature is a means of displaying and updating a calendar of events (column 11, lines 2-6, Crush discloses operations 1000 may be performed to allow for web pages, prepared by a user in advance of an event occurring).

As to claim 13, Crush teaches the method of claim 6, wherein the at least one feature is a predetermined style and layout for the set of web documents (column 1,

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lines 42-46, Crush discloses the web page template contains all the information displayed on the page indicating the layout of the page)

**4. *Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crush et al. U.S. 6,522,738 in view of Montcreiff (referred to hereafter as Mon) U.S. 5,828,839.

As to claim 4, Crush teaches the method of claim 1.

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Crush fails to teach said unique identifier is based upon a student identification number.

However, Sonnenfeld teaches computer based testing system. Sonnenfeld teaches said unique identifier is based upon a student identification number (column 51, lines 19-24, Sonnenfeld discloses using student's unique identification number or social security number as logon identifier).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Crush in view of Sonnenfeld to provide said unique identifier is based upon a student identification number. One would be motivated to do so to allow only authorized users to log in to the system.

6. Claims 7, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crush et al. U.S. 6,522,738 in view of Montcreiff (referred to hereafter as Mon) U.S. 5,828,839.

Crush teaches the invention substantially as claimed including web site content control via the telephone (see abstract).

As to claim 7, Crush teaches the method of claim 6.

Crush fails to teach explicitly at least one feature is a means of purchasing services or merchandise.



However, Mon teaches computer network chat room based on channel broadcast in real time. Mont teaches the at least one feature is a means of purchasing services or merchandise (column 7, lines 52-63, Moncreiff discloses...accounting data is generated based on the merchandise information pages that are displayed in the web page window 104, and based on the merchandise that is purchased using the merchandising pages).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Crush in view of Mon to introduce at least one feature that is a means of purchasing services or merchandise. One would be motivated to do so to allow a merchandising window to be presented for effecting transactions of merchandise that relates to the current program (see abstract).

As to claim 8, Crush teaches the method of claim 6.

Crush fails to teach explicitly at least one feature is a means of reserving an appointment.

However, Mon teaches the at least one feature is a means of reserving an appointment (column 7, lines 41-45, Mon discloses the chat module 26 provides a bookmark to the user to indicate the selected remote chat area, and the logic proceeds as before in enabling the user to enter the remote chat rooms).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Crush in view of Mon to introduce at least one feature is a means of reserving an appointment. One would be motivated to do so to facilitate selection of the

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remote chat room in the same manner as the home sub-area and channel are selected (column 7, lines 38-40).

As to claim 10, Crush teaches the method of Claim 6.

Wood fails to teach the at least one feature is a means of using the Internet to chat with other users of a web site.

However, Mon teaches at least one feature is a means of using the Internet to chat with other users of a web site (abstract, Mon discloses computer users access the chat rooms via the Internet by inputting their desired television or radio channel, along with a request to enter a chat room).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Crush in view of Mon to introduce at least one feature is a means of using the Internet to chat with other users of a web site. One would be motivated to allow information and news exchange.

**7. Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 571-272-4010. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-4010.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should


you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

El Hadji Sall

Patent Examiner

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**ARIO ETIENNE**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100